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FERNANDO LOPEZ-CUEVAS

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

FERNANDO LOPEZ-CUEVAS,

Defendant

No. Cr. 2:02-cr-418 GEB

**STIPULATED MOTION AND [lodged] ORDER
TO REDUCE SENTENCE PURSUANT TO 18
U.S.C. § 3582(c)(2)**

RETROACTIVE DRUGS-MINUS-TWO
REDUCTION CASE

Judge: Honorable GARLAND E. BURRELL, JR.

Defendant, FERNANDO LOPEZ-CUEVAS, by and through his attorney, Hannah R. Labaree, and plaintiff, UNITED STATES OF AMERICA, by and through its counsel, Assistant U.S. Attorney Jason Hitt, hereby stipulate as follows:

1. Pursuant to 18 U.S.C. § 3582(c)(2), this Court may reduce the term of imprisonment in the case of a defendant who has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission pursuant to 28 U.S.C. § 994(o);

2. On May 14, 2004, this Court sentenced Mr. Lopez-Cuevas to a term of 292 months imprisonment;

3. His total offense level was 36, his criminal history category was V, and the resulting guideline range was 292 to 365 months;

1 4. The sentencing range applicable to Mr. Lopez-Cuevas was subsequently lowered
2 by the United States Sentencing Commission in Amendment 782, made retroactive on July 18,
3 2014, see 79 Fed. Reg. 44,973;

4 5. Mr. Lopez-Cuevas' total offense level has been reduced from 36 to 34, and his
5 amended guideline range is 235 to 293 months;

6 6. Accordingly, the parties request the Court enter the order lodged herewith
7 reducing Mr. Lopez-Cuevas' term of imprisonment to a term of 235 months.

8 Respectfully submitted,

9 Dated: January 12, 2016

Dated: January 12, 2016

10 BENJAMIN B. WAGNER
11 United States Attorney

HEATHER E. WILLIAMS
Federal Defender

12 /s/ Jason Hitt
13 JASON HITT
Assistant U.S. Attorney

/s/ Hannah R. Labaree
HANNAH R. LABAREE
Assistant Federal Defender

14 Attorney for Plaintiff
15 UNITED STATES OF AMERICA

Attorney for Defendant
FERNANDO LOPEZ-CUEVAS

ORDER

This matter came before the Court on the stipulated motion of the defendant for reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2).

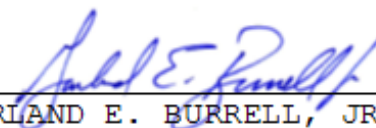
The parties agree, and the Court finds, that Mr. Lopez-Cuevas is entitled to the benefit Amendment 782, which reduces the total offense level from 36 to 34, resulting in an amended guideline range of 235 to 293 months.

IT IS HEREBY ORDERED that the term of imprisonment imposed in May 2004 is reduced to a term of 235 months.

IT IS FURTHER ORDERED that all other terms and provisions of the original judgment remain in effect. The clerk shall forthwith prepare an amended judgment reflecting the above reduction in sentence, and shall serve certified copies of the amended judgment on the United States Bureau of Prisons and the United States Probation Office.

Unless otherwise ordered, Mr. Lopez-Cuevas shall report to the United States Probation Office within seventy-two hours after his release.

Dated: January 12, 2016



GARLAND E. BURRELL, JR.
Senior United States District Judge